IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 19.12.2006

Oriental Insurance Company Ltd.

...Appellant.

versus

Ramphal and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Ms.Vandanaa Malhotra, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

This FAO arises out of an award dated 4.8.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Bhiwani, in MACT Petition No.15 of 2004, awarding a sum of Rs.2,25,000/-, with 9% interest per annum, in an injury case, where the victim has suffered crushing of his right foot.

The only submission urged by learned counsel for the appellant is that the Insurance Company has not been granted adequate opportunity for production of a witness of the concerned Licencing Authority although the driver of the offending vehicle was not holding a valid driving licence. Thus there was a breach of the condition of the policy.

We have carefully considered the submission, which appears to be devoid of any force for the reason that the application for

summoning of the witness was made on 23.2.2006, and the evidence was closed vide the order dated 24.3.2006, but the award was passed after five months, on 4.8.2006. During the period of five months, the order dt.24.3.2006 was not challenged in revision before this Court. As the Insurance Company has not been diligent to pursue the matter challenging the order of closure of evidence, despite having adequate time, we are not inclined to accept the submission and admit the appeal. Moreover, the claimant has suffered two operations and has spent over Rs.80,000/- on medical treatment only.

Hence, the appeal is dismissed in limine.

(UMA NATH SINGH)
JUDGE

19.12. 2006
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(MAHESH GROVER)
JUDGE